

**Regular Kemah Council Meeting
Kemah Public Facilities Corporation
August 21, 2013
Minutes**

Mayor Bob Cummins called the Kemah Council Meeting/Kemah Public Facility Corporation Meeting to order at 7:00 p.m. in the Council Chambers in Kemah City Hall. Present were City Council Members Steve Mewborn, Robin Collins, Carl Joiner, Wanda Zimmer and Rhonda Treviño. Mayor Cummins declared a quorum. Also in attendance were City Attorney Dick Gregg, III, City Administrator Rick Beverlin and City Secretary Marisela Garcia.

Present were Liz Davis, Ray Dahlman, Ginnie Dahlman, Sylvia Streater, Gary Bueker, Pepper Coffey, Bill Kendrick, Tomi Kendrick, Lee Hart, Joe Macias, Susanne Baker, Harry Stott, Mark Havran, Blu Shields, Colene Joiner, Barbara Roberts, Marie Janke, Bob Pearce, Glen Gordy and Tom Hults.

1. Pledges

Mayor Bob Cummins asked Mrs. Sylvia Streater to lead the Council Members and Kemah citizens in the Pledge of Allegiance and the Texas Pledge.

2. Moment of Silence

3. Invitation to Address Council

Sylvia Streater urged the City Council to take into consideration the citizens who live in proximity of the bars and how the noise disturbs them rather than the money they are getting from the businesses.

Blu Shields noted that he was present in regards to number 13 and wanted to know if Council was aware that a special auditor from FEMA was in town the previous week.

Joe Macias indicated that he is a long time resident of Kemah and resides near where all the noise happens and consider the changes with an open mind.

4. Presentations

Mark Carroll presented noise complaints received by the Kemah Police Department from various residents over a two year period. The purpose of the presentation was to request a change to the existing noise ordinance and bring in it in line with perceptions of the community. The changes being requested are to change the day time decibels from 85 to 70 and night time decibels from 70 to 55. Another change being requested is the definition of day time and night time hours. Mr. Carroll suggested that day time hours be defined as 7 a.m. to 10 p.m. and night time hours being defined as 10 p.m. to 7 a.m. The final requested change was to change the location from which the noise level is measured from the property line of the complainant to the property line of the noise source.

Bob Pearce indicated he too is a resident of Kemah and is impacted by this noise ordinance. He briefly described how he dreads weekends due to the noise in his neighborhood and noted he and his wife are unable to relax on weekend evenings. He urged City Council to consider the balance between the businesses and residents.

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5. Council Members Comments and Announcements (Items of Community Interest Only)

Councilman Steve Mewborn noted that these gentlemen were his neighbors and indicated that they all have similar issues. A lot of those issues are not necessarily the decibel created at the speaker, it is the environment around it.

Councilwoman Robin Collins had no opening comments.

Councilman Carl Joiner thanked Mr. Carroll for the noise ordinance presentation and informed them that no action would be taken at this point. He reminded citizens that the KCDC meeting will be held next Tuesday instead of Wednesday at 6 p.m.

Councilwomen Wanda Zimmer and Rhonda Treviño had no opening comments.

6. Mayor's Comments

7. City Administrator Report/Update

- **Boat Ramp Rehabilitation Project** – this will be updated on item 14.
- **West Kemah Street Rehabilitation (TGLO Grant)** – Currently waiting on pipeline clearance.
- **SH 146** – Meeting was held with the Fire Chief regarding access; TxDOT will provide median cuts and flashers at that location. There will be a meeting held regarding the right-of-way turn back program.

8. Police Chief Report/Update

Police Chief Rikard was not present at the meeting.

9. Consent agenda

Mayor Bob Cummins asked if Council Members wanted to remove any items from the consent agenda. There being no items removed, **motion was made** by Councilman Carl Joiner to approve items on the consent agenda being Minutes of the August 7, 2013 Public Meeting, bills in the amount of \$282,489.05 and approval of Cash Position and Investment Report for July 2013; **seconded** by Councilwoman Wanda Zimmer. Motion carried unanimously by all Council Members present.

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- 10. Consideration and possible action** on appointment of representative and alternate representative to the Galveston County Health District Animal Services Advisory Committee.

Motion to discuss was made by Councilwoman Robin Collins; **seconded** by Councilwoman Rhonda Treviño.

Mayor Cummins indicated that Councilwoman Buchanan served on this board. Councilwoman Rhonda Treviño offered to serve on the board.

Motion was made by Councilman Steve Mewborn to appointment Councilwoman Rhonda Treviño to the Galveston County Health District Animal Services Advisory Committee; **seconded** by Councilwoman Wanda Zimmer. Motion carried unanimously by all Council Members present.

- 11. Consideration and possible action** on appointment of a representative to the Emergency Services Board.

Motion to discuss was made by Councilwoman Robin Collins; **seconded** by Councilman Carl Joiner.

Mayor Cummins asked to nominate and appoint Wanda Zimmer to the Emergency Services Board based on her interaction with the Fire Department.

Motion was made by Councilman Carl Joiner to appoint Councilwoman Wanda Zimmer to the Emergency Services Board; **seconded** by Councilwoman Rhonda Treviño. Motion carried unanimously by all Council Members present.

- 12. Consideration and possible action** on approval of a resolution of the City of Kemah to amend or revise the Biggert-Waters Flood Insurance Reform Act of 2012. **(2013-11)**

Motion to discuss was made by Councilwoman Rhonda Treviño; **seconded** by Councilwoman Wanda Zimmer.

Mayor Cummins noted that this resolution will show the position of the City of Kemah. This particular act will impact our community and everyone around us.

City Administrator Beverlin gave a presentation regarding how the Biggert-Waters Flood Insurance Reform Act of 2012 will impact the community. He briefly noted that the City of Kemah did have their community assessment visit this week and everything is going in the right direction. There will be 20-25% rate increases per year for four or five years until it reaches actuarial nonsubsidized rates. The first phase of increases will take place after October 1, 2013.

Motion was made by Councilman Carl Joiner to approve Resolution No. 2013-11 to amend or revise the Biggert-Waters Flood Insurance Reform Act of 2012; **seconded** by

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Councilwoman Robin Collins. Motion carried unanimously by all Council Members present.

- 13. Consideration and possible action** on tax rate to be considered for adoption at a future meeting and set two public hearings if rate is considered higher than the effective tax rate.

Motion to discuss was made by Councilwoman Rhonda Treviño; **seconded** by Councilwoman Wanda Zimmer.

Mayor Cummins noted that staff has worked hard to set budget. When the tax rate is changed, there is a direct impact on all the City budgets. This City has a small and tight budget. He indicated we would like to give another tax cut but there is typically no money left in the budget to deal with the day-to-day problems of the City.

Finance Director Barbara Roberts presented the City Council with a copy of the proposed budget for their review and indicated this was only for their review and a public hearing would be held on September 4. She noted that the Mayor and City Council are responsible for adopting a tax rate that supports the operations of the General Fund. Staff has prepared a balanced budget and it does include a 3% cost of living increase for full time employees. She indicated that the proposed budget is based on the effective tax rate which is based on the .246488 that the County provided. If the City Council is going to increase the tax rate above the effective tax rate, there needs to be two public hearings scheduled and notices published. Ms. Roberts recapped that if we stayed with the current rate there is an \$8,000 difference and the difference between the effective, the tax rate and the roll back rate is \$65,000. No action was being taken on the adoption of the tax rate.

Councilman Joiner clarified that they were actually lowering the tax rate and wanted citizens to know that the City works off of is sales tax and the City collects two (2) cents on every dollar spent in Kemah. One cent goes to the General Fund which runs the City, half cent goes to pay down the property taxes and the other half cent goes to KCDC which funds economic development for Kemah.

Motion was made by Councilman Carl Joiner directing staff to publish required notices to not raise taxes beyond the effective rate; **seconded** by Councilwoman Rhonda Treviño. Motion carried unanimously by all Council Members present.

- 14. Consideration and possible action** on review and acceptance of bids received for the Kemah Boat Ramp Concrete Parking Improvements Project contingent on KCDC approval.

Motion to discuss was made by Councilman Carl Joiner; **seconded** by Councilwoman Rhonda Treviño.

City Administrator Beverlin indicated five bids have been received and Lexton Construction is the current low bid.

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Mark Havran, LJA Engineering noted that there were five bids received and indicated that there was a grant from the Texas Parks and Wildlife Department. The City is responsible for 25% of the project. The bid by Lexton Construction will save the City around \$13,000-\$14,000 which includes the bid alternate of the Ben Blackledge Memorial sign.

Councilman Joiner noted that the KCDC had the match required on behalf of the City budgeted for this fiscal year but will be moved to the following fiscal year.

Motion was made by Councilman Carl Joiner to award the bid for the Kemah Boat Ramp Parking Improvements Project to Lexton Construction, LLC of Spring, Texas; **seconded** by Councilwoman Wanda Zimmer. Motion carried unanimously by all Council Members present.

15. **Consideration and possible action** on consideration of funding for the Blessing of the Fleet event for the FY 2013-2014.

Motion to discuss was made by Councilwoman Wanda Zimmer; **seconded** by Councilwoman Rhonda Treviño.

Special Events Coordinator Marie Janke noted that Mr. Hults was unable to provide the required paperwork in time and it would be up to City Council whether to allow the presentation at this time or not. She indicated that she would recommend making a presentation once the budget has been approved.

Mr. Tom Hults with the Blessing of the Fleet event wanted to ensure that the Blessing of the Fleet might be considered for funding.

Motion was made by Councilwoman Rhonda Treviño to table the item being considered for funding for the Blessing of the Fleet event; **seconded** by Councilwoman Robin Collins. Motion carried unanimously by all Council Members present.

Council Members Closing Comments

Council members Mewborn, Collins and Treviño had no closing Comments.

Councilman Carl Joiner reminded everyone that the KCDC meeting to finalize their budget would be held the following week and how legally they can spend their half cent.

Councilwoman Wanda Zimmer noted that the noise ordinance presentation was good and would like to see an action item on the next Council Agenda.

Councilwoman Rhonda Treviño had no closing comment.

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Mayor Closing Comments

Mayor Cummins stated that he has talked to a handful of people regarding the first amendment right signs around town. He noted that anyone can do it on their own property; it is your first amendment right. He encouraged everyone to drive by, close your eyes and do not let it bother you. Most of it is about him and he does not worry about it and asked that they just turn the other cheek. If it does not bother him do not let it bother you.

Adjournment

Motion to adjourn was made by Councilwoman Robin Collins; **seconded** by Councilwoman Wanda Zimmer. Motion carried by affirmative vote of all council members present. Mayor Cummins adjourned the Kemah Council/Kemah Public Facilities Corporation Meeting at 8:13 p.m.

APPROVED: _____

DATE: 9/4/13

ATTEST: _____

Marisela Garcia